THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15847 of 2007

Dated: 30-07-2007

Between:

Kondapalli Laxmi Narasimha Rao.

..... PETITIONER

AND

The District Collector, Khammam, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15847 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.2.10 guntas in survey No.276 situated at Kalluru Village and Mandal, Khammam District. He obtained pattadar passbook/title deed. It is his case that in April, 2007, second respondent and the Mandal Surveyor conducted survey of the adjacent land as well as his land. The result of said survey was not informed to him. However on 13.07.2007, second respondent allegedly instructed the petitioner to remove the fencing alleging that he is in possession of the Government land. The petitioner made a representation to first respondent on 17.07.2007 informing that he is in possession of the land in survey No.276 but not the Government land and that there is no Government land adjacent to his land and he never occupied the Government land. Even before any action is initiated alleging that there is pressure from second respondent to remove fencing, instant writ petition is filed.

After perusing the affidavit accompanying the writ petition and hearing the learned counsel for the petitioner, this Court is convinced that the writ petition is filed on mere apprehension. The petitioner has rightly approached first respondent, who may look into the matter and send necessary communication to the petitioner as well as the subordinate officials. Whether the petitioner is in occupation of the land in survey No.276 or has encroached upon the Government land is a question of fact, which cannot be decided in a writ petition. The writ petition is misconceived.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

30th July, 2007

ghn